

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO.: 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the)
natural parent and guardian of JALEN IRVING,)
JUWAN HARRINGTON, CYDNEEA)
HARRINGTON, KENYA WALTON,)
individually and as the natural parent and)
guardian of ROBERT WHITLEY, ZIYEL)
WHITLEY, DYAMOND WHITLEY,)
KAMISHA WHITLEY, and NANETTA)
GRANT as the natural parent and guardian of)
ZIQUIS GRANT,)

Plaintiffs,

vs.

THE CITY OF RALEIGH, Officer OMAR I.)
ABDULLAH, Sergeant WILLIAM ROLFE,)
Officer RISHAR PIERRE MONROE, Officer)
JULIEN DAVID RATTELADE, and Officer)
MEGHAN CAROLINE GAY, and JOHN and)
JANE DOE Officers 1-10, in their individual)
capacities,)

Defendants.

**MEMORANDUM IN SUPPORT OF
DEFENDANTS RISHAR PIERRE
MONROE, JULIEN DAVID
RATTELADE AND MEGHAN
CAROLINE GAY’S PARTIAL MOTION
TO DISMISS**

(Fed. R. Civ. P. 12(b)(6))

This matter is before the Court on Rishar Pierre Monroe, Julien David Rattelade and Meghan Caroline Gay’s (hereafter “Defendants”) partial motion to dismiss Plaintiff’s Fifth Claim, alleging a “civil conspiracy” pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

INCORPORATION BY REFERENCE

In the interests of judicial economy, Defendants incorporate and adopt the “Statement of Case and Relevant Facts Alleged by Plaintiffs” and “Argument” submitted by Defendant Sgt. William Rolfe (in DE 31) as these same arguments support Defendants’ partial motion to dismiss.

CONCLUSION

Based on the authorities cited in DE 31, including, but not limited to, *Buschi v. Kirven*, 775 F.2d 1240 (4th Cir. 1987), which are incorporated herein by reference, Plaintiffs' Fifth Claim alleging a civil conspiracy between Defendants and other officers of the Raleigh Police Department should be dismissed with prejudice.

This the 29th day of April, 2022.

By: /s/ Samuel G. Thompson, Jr.
RODNEY E. PETTEY
N.C. State Bar No.: 17715
rpettey@ymwlaw.com
SAMUEL G. THOMPSON, JR.
N.C. State Bar No.: 32960
bthompson@ymwlaw.com
Yates, McLamb & Weyher, LLP
Post Office Box 2889
Raleigh, North Carolina 27602
Telephone: (919) 835-0900
*Counsel for Rishar Pierre Monroe,
Julien David Rattelade and Meghan
Caroline Gay each in their Individual Capacity*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO.: 5:22-cv-00068-BO

YOLANDA IRVING, individually and as the
natural parent and guardian of JALEN IRVING,
JUWAN HARRINGTON, CYDNEEA
HARRINGTON, KENYA WALTON,
individually and as the natural parent and
guardian of ROBERT WHITLEY, ZIYEL
WHITLEY, DYAMOND WHITLEY,
KAMISHA WHITLEY, and NANETTA
GRANT as the natural parent and guardian of
ZIQUIS GRANT,

Plaintiffs,

vs.

THE CITY OF RALEIGH, Officer OMAR I.
ABDULLAH, Sergeant WILLIAM ROLFE,
Officer RISHAR PIERRE MONROE, Officer
JULIEN DAVID RATTELADE, and Officer
MEGHAN CAROLINA GAY, and JOHN and
JANE DOE Officers 1-10, in their individual
capacities,

Defendants.

CERTIFICATE OF SERVICE

I certify that on April 29, 2022, I electronically filed the foregoing **MEMORANDUM IN SUPPORT OF DEFENDANTS RISHAR PIERRE MONROE, JULIEN DAVID RATTELADE AND MEGHAN CAROLINE GAY'S PARTIAL MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Abraham Rubert-Schewel
Tin Fulton Walker & Owen, PLLC
119 E. Main St.
Durham, NC 27701
Email: schewel@tinfulton.com
Counsel for Plaintiffs

Emily D. Gladden
Tin Fulton Walker & Owen, PLLC
204 N. Person St.
Raleigh, NC 27601
Email: Egladden@tinfulton.com
Counsel for Plaintiffs

Michael L. Littlejohn, Jr.
Littlejohn Law PLLC
P.O. Box 16661
Charlotte, NC 28297
Email: mlj@littlejohn-law.com
Counsel for Plaintiffs

Ian A. Mance
Emancipate NC
P.O. Box 309
Durham, NC 27702
Email: ian@emancipatenc.com
Counsel for Plaintiffs

Elizabeth G. Simpson
Emancipate NC
P.O. Box 309
Durham, NC 27702
Email: elizabeth@emancipatenc.com
Counsel for Plaintiffs

Dorothy Kibler
Deputy City Attorney
P.O. Box 590
Raleigh, NC 27602
Email: Dorothy.Kibler@raleighnc.gov
Counsel for Defendant The City of Raleigh

Jason R. Benton
Parker Poe Adams & Bernstein, LLP
620 South Tryon Street, Suite 800
Charlotte, NC 28202
Email: jasonbenton@parkerpoe.com
Counsel for Defendant Omar Abdullah

Norwood P. Blanchard, III
Crossley McIntosh Collier Hanley & Edes,
PLLC
5002 Randall Parkway
Wilmington, NC 28403
Email: norwood@cmclawfirm.com
Counsel for Defendant William Rolfe

By: /s/ Samuel G. Thompson, Jr.
RODNEY E. PETTEY
N.C. State Bar No.: 17715
rpettey@ymwlaw.com
SAMUEL G. THOMPSON, JR.
N.C. State Bar No.: 32960
bthompson@ymwlaw.com
Yates, McLamb & Weyher, LLP
Post Office Box 2889
Raleigh, North Carolina 27602
Telephone: (919) 835-0900
Facsimile: (919) 835-0910
*Counsel for Rishar Pierre Monroe,
Julien David Rattelade and Meghan
Caroline Gay each in their Individual
Capacity*